

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

THOMAS B. CURY, JR.,

Plaintiff,

-v-

KATHLEEN R. BRADSHAW, ESQ., a/k/a
KATHLEEN BRADSHAW,

Defendant.

20 Civ. 3351 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

Plaintiff Thomas B. Cury, Jr. (“Cury”) brought this action on April 29, 2020, by the filing of the Complaint. Dkt. 1. On June 1, 2020, Cury filed a waiver of service executed by defendant Kathleen R. Bradshaw (“Bradshaw”), dated May 27, 2020. Dkt. 6. As a result, Bradshaw’s answer was due by July 27, 2020. *Id.*; *see* Fed. R. Civ. P. 4(d)(3).

On October 19, 2020, Cury obtained a clerk’s certificate of default against Bradshaw. Dkt. 11. On October 22, Cury moved for a default judgment. Dkt. 12. On October 27, 2020, the Court issued an order to show cause. Dkt. 13. In that order, the Court observed that Cury’s motion papers were in good order and notified the parties that, in light of the COVID-19 public-health emergency, it intended to resolve Cury’s motion on the papers. *Id.* The Court also directed Bradshaw to file any opposition to Cury’s motion through the Court’s electronic filing system by November 12, 2020, at 2:30 p.m., and directed Cury to serve the order on Bradshaw and file a proof of service by October 30, 2020. *Id.*

On October 28, 2020, Cury filed an affidavit of service of the Court's October 27, 2020 order on Bradshaw. Dkt. 14. Bradshaw has failed to appear or in any manner object to Cury's motion.

The Court has reviewed Cury's motion for default judgment, Dkt. 12, the accompanying declaration of Costantino Fragale, Esq., Dkt. 12-1, and the supporting exhibits, pursuant to Federal Rule of Civil Procedure 55(b). Because Bradshaw has waived service, has not answered the complaint and the time for answering the complaint has expired, and has failed to contest entry of a default judgment by the appointed date and time, the Court enters a default judgment as to liability for Cury against Bradshaw.

The Court, by separate order, will commission an inquest into damages. The Court respectfully directs the Clerk of the Court to terminate the motion pending at docket 12.

SO ORDERED.



Paul A. Engelmayer
United States District Judge

Dated: December 14, 2020
New York, New York